



Sexual Harassment Policy

Version Control	Date Amended
1.0	21/06/2016

BACKGROUND

Sexual harassment is unlawful. Whitehorse Boroondara FM Community Radio Inc (3WBC) does not tolerate sexual harassment in any form. Every volunteer, staff member and supervisor has a responsibility to ensure that sexual harassment does not occur.

Anyone found to have sexually harassed another person will be subject to disciplinary action that may include an apology, counselling, transfer of duties or dismissal.

Reports of sexual harassment will be treated promptly, seriously and confidentially. Complainants have the right to determine how a complaint will be treated.

Complaints must be forwarded to the Sexual Harassment Officer to be investigated through the official complaints Procedure as outlined in this document. Complainants also have the right to have a supporter or representative chosen by them involved in the process and the option to stop the process at any time.

The alleged harasser also has the right to have a supporter or representative chosen by them present when he/she responds to the allegations made.

No volunteer or paid staff member will be treated unfairly as a result of making a complaint of sexual harassment. Immediate disciplinary action will be taken against anyone who victimises or retaliates against someone who has made a complaint of sexual harassment.

The organisation will afford natural justice to any person involved in a dispute.

Definition of sexual harassment

Sexual harassment includes any unwelcome behaviour of a sexual nature that could be reasonably expected to make someone feel offended, humiliated or intimidated.

This may include (but is not restricted to):

- an unwelcome sexual advance
- a request for sexual favours
- unwelcome comments about someone's sex life or physical appearance
- leering and ogling
- sexually offensive comments, stories or jokes
- displaying sexually offensive photos, pinups or calendars, reading matter or objects
- sexual propositions or continued requests for dates
- physical contact such as touching or fondling, or unnecessary brushing up against someone
- indecent assault or rape (these are criminal offences).

Sexual harassment may occur between one volunteer and another, between volunteers and staff members, or between volunteers and clients, suppliers or visitors. It may occur wherever volunteers and paid staff are interacting with others in the context of their position in the organisation, including field trips, work off site and social functions.

Making a complaint

A volunteer or paid staff member who has been harassed may choose to take their complaint to the Victorian Equal Opportunity and Human Rights Commission.

Contact for the Victorian Equal Opportunity and Human Rights Commission: **1300 292 153**

Internal complaint Procedure

A volunteer, station guest or paid staff member who believes they have been harassed (the complainant) should:

- if comfortable to do so, inform the alleged harasser the behaviour is offensive, unwelcome, against the organisation's policy and should stop
- make a note of the date, time and location of the incident/s
- if not comfortable to confront the alleged harasser or if unwelcome behaviour continues, report to the sexual harassment officer.
- if this is inappropriate, speak to another senior member of the organisation, such as the station manager, the president or a member of the committee of management.

The sexual harassment contact will follow the procedures set out below. At any time the complainant has the right to discontinue this process.

Complaints process

When a complaint is received, the sexual harassment contact will:

- obtain and record a full, step-by-step account of the incident/s
- ensure the organisation's process for handling the complaint is understood
- ascertain the complainant's preferred outcome, e.g. an apology, the behaviour to cease, a change in working arrangements
- agree on the next step: informal resolution or formal investigation
- keep a confidential record of all details of this discussion and subsequent steps in the process.

Informal resolution

Where a complainant has chosen informal resolution, following an informal process the sexual harassment contact will:

- inform the alleged harasser of the complaint and provide an opportunity to respond
- ensure both parties understand their rights and responsibilities under the organisation's policy
- if possible, mediate an outcome that is satisfactory for the complainant
- ensure that confidentiality is maintained
- follow up to ensure the behaviour does not re-occur.

Formal investigation

If a formal investigation is requested by the complainant, or if an informal resolution fails, the sexual harassment contact will escalate the matter to a senior member of the organisation.

That person will:

- afford natural justice to all involved
- interview all directly concerned, separately
- interview witnesses, separately
- keep records of the interviews and investigation
- ensure confidentiality and minimise disclosure
- make a determination as to whether there is sufficient evidence that a reasonable person could conclude, on the balance of probabilities (i.e. it's more likely than not), that an incident/incidents of sexual harassment as defined by the legislation has occurred
- in such a case, determine appropriate action, which may include a change of duties for the harasser, change to working arrangements or, where the incidents were frequent and/or severe, dismissal
- where it cannot be determined by the required test, that an incident/incidents of sexual harassment as defined by the legislation has occurred, may still take action to ensure the proper functioning of the workplace; but these actions should not prejudice any party. They will also continue to closely monitor the situation and provide retraining where required
- check to ensure the action meets the needs of the complainant and organisation.

Possible Outcomes

If after investigation management finds the complaint is justified, management will discuss with the complainant the appropriate outcomes which may include:

- Disciplinary action to be taken against the perpetrator (e.g. counselling, warning or dismissal);
- Referral to an appropriate legal service (e.g. Victorian Equal Opportunity and Human Rights Commission);
- Staff training;
- Additional training for the perpetrator or all staff, as appropriate;
- Counselling for the complainant; or
- An apology (the particulars of such an apology to be agreed between all involved)

Outcomes as they affect the complainant will be discussed with the complainant to ensure that needs are met, where appropriate.

Sexual harassment contact

The committee of management has appointed a sexual harassment contact for 3WBC. While the contact officer has been appointed by the committee, they will investigate internal complaints independently.

The 3WBC harassment contact officer details are:

Jacinta McNena

e: jacinta.mcnena@3wbc.org.au

p: 0419 513 858

Useful Supporting Information

- Victorian Equal Opportunity and Human Rights Commission www.humanrightscommission.vic.gov.au
- Australian Human Rights Commission www.humanrights.gov.au
- WorkSafe Victoria www.worksafe.vic.gov.au

Key resource

Effectively preventing and responding to sexual harassment: A Code of Practice for Employers by the Australian Human Rights Commission.

http://www.hreoc.gov.au/sexualharassment/employers_code/COP2008.pdf

APPROVAL



Approver name and position:

David Panther - President

Date of Approval

21/6/2016